

House File 859

H-1392

1 Amend House File 859 as follows:

2 1. Page 16, after line 26 by inserting:

3 <Sec. _____. Section 159A.11, Code 2021, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 2A. "*Ethanol fuel*" means ethanol or ethanol
6 blended gasoline.>

7 2. Page 17, line 35, by striking <(1)>

8 3. Page 18, line 2, by striking <(a)> and inserting <(a)
9 (1)>

10 4. Page 18, line 4, by striking <(b)> and inserting <(b)
11 (2)>

12 5. Page 18, by striking line 12.

13 6. Page 20, line 19, by striking <three-year> and inserting
14 <five-year>

15 7. Page 20, line 20, by striking <fifty> and inserting
16 <seventy>

17 8. Page 20, by striking line 31.

18 9. Page 20, line 32, by striking <(1)>

19 10. Page 21, by striking line 3.

20 11. Page 22, after line 6 by inserting:

21 <Sec. _____. Section 159A.15, Code 2021, is amended to read
22 as follows:

23 **159A.15 Renewable fuel infrastructure program for ~~biodiesel~~**
24 **~~terminal facilities.~~**

25 1. The department, under the direction of the renewable
26 fuel infrastructure board created in section 159A.13, shall
27 establish and administer a renewable fuel infrastructure
28 program for terminal facilities that store, blend, and dispense
29 ~~biodiesel or biodiesel blended fuel~~ biodiesel fuel or ethanol
30 fuel. ~~The infrastructure must be designed and shall be used~~
31 ~~exclusively to store and distribute biodiesel or biodiesel~~
32 ~~blended fuel.~~ The department as directed by the infrastructure
33 board shall provide a cost-share program ~~for~~ to award financial
34 incentives to terminal operators participating in the program.
35 The financial incentives must be used to improve the capacity

1 of terminals by constructing new facilities or expanding
2 existing facilities.

3 ~~1.~~ 2. A person may apply to the department to receive
4 financial incentives on a cost-share basis. The department
5 shall forward the applications to the underground storage
6 tank fund board as required by that board for evaluation and
7 recommendation. The underground storage tank fund board may
8 rank the applications with comments and shall forward them to
9 the infrastructure board for approval or disapproval. The
10 department shall award financial incentives on a cost-share
11 basis to an eligible person whose application was approved by
12 the infrastructure board.

13 ~~2.~~ 3. The department shall award financial incentives to
14 a terminal operator participating in the program as directed
15 by the infrastructure board. In order to be eligible to
16 participate in the program, the terminal operator must apply to
17 the department in a manner and according to procedures required
18 by the infrastructure board. The application must contain
19 information required by the infrastructure board and shall at
20 least include all of the following:

21 ~~a.~~ The name of the terminal operator and the address of the
22 terminal to be improved.

23 ~~b.~~ A detailed description of the infrastructure to be
24 installed, replaced, or converted.

25 ~~c.~~ Whether biodiesel fuel or ethanol fuel is to be stored,
26 blended, or dispensed, and the classification for that type of
27 fuel.

28 ~~d.~~ e. A statement describing how the terminal is to be
29 improved, the total estimated cost of the planned improvement,
30 and the date when the infrastructure will be first used to
31 store and distribute the biodiesel or biodiesel-blended fuel or
32 ethanol fuel.

33 ~~e.~~ f. A statement certifying that the infrastructure shall
34 not be used to store, blend, or dispense motor fuel other than
35 biodiesel or biodiesel-blended fuel or ethanol fuel as provided

1 in the cost-share agreement, unless granted a waiver by the
2 infrastructure board pursuant to this section.

3 ~~3.~~ 4. a. An award of financial incentives to a
4 participating ~~person~~ terminal operator shall be in the form of
5 a grant. In order to participate in the program, an eligible
6 ~~person~~ terminal operator must execute a cost-share agreement
7 with the department as approved by the infrastructure board in
8 which the ~~person~~ terminal operator contributes a percentage
9 of the total costs related to improving the terminal. The
10 financial incentives awarded to the participating ~~person~~
11 terminal operator shall ~~not exceed~~ be made to support the
12 following:

13 (1) ~~For improvements~~ Improvements to store, blend, or
14 dispense biodiesel fuel ~~from~~ subject to the following:

15 (a) For biodiesel blended fuel classified as B-2 or
16 higher up to but not as high as including B-99, the financial
17 incentives shall not exceed fifty percent of the actual cost of
18 making the improvements or fifty thousand dollars, whichever
19 is less.

20 ~~{2}~~ (b) ~~For improvements to store, blend, and dispense~~
21 ~~biodiesel fuel from~~ For biodiesel blended fuel classified
22 as B-99 to or biodiesel classified as B-100, the financial
23 incentives shall not exceed fifty percent of the actual cost
24 of making the improvements or one hundred thousand dollars,
25 whichever is less. However, a person shall not be awarded
26 moneys under this subparagraph if the person has been awarded a
27 total of eight hundred thousand dollars under this subparagraph
28 during any period of time and pursuant to all cost-share
29 agreements in which the person participates.

30 (2) Improvements to store, blend, or dispense ethanol
31 blended gasoline classified as E-1 or higher or ethanol
32 classified as E-100. The incentives shall not exceed fifty
33 percent of the actual cost of making the improvement.

34 b. The infrastructure board may approve multiple awards to
35 make improvements to a terminal so long as the total amount

1 of the awards does not exceed the limitations provided in
2 paragraph "a".

3 ~~4.~~ 5. A participating terminal operator shall not use
4 the infrastructure to store, blend, or dispense motor fuel
5 other than biodiesel ~~or biodiesel-blended fuel~~ or ethanol fuel
6 as provided in the cost-share agreement, unless one of the
7 following applies:

8 a. The participating terminal operator is granted a waiver
9 by the infrastructure board. The participating terminal
10 operator shall store, blend, or dispense the motor fuel
11 according to the terms and conditions of the waiver.

12 b. The renewable fuel infrastructure fund created in section
13 159A.16 is immediately repaid the total amount of moneys
14 awarded to the participating terminal operator together with a
15 monetary penalty equal to twenty-five percent of that awarded
16 amount. The amount shall be deposited in the renewable fuel
17 infrastructure fund created in [section 159A.16](#).

18 c. A participating terminal operator who acts in violation
19 of ~~an~~ a cost-share agreement executed with the department
20 pursuant to [this section](#) is subject to a civil penalty of
21 not more than one thousand dollars a day for each day of the
22 violation. The civil penalty shall be deposited into the
23 general fund of the state.>

24 12. Page 22, by striking lines 15 through 25.

25 13. Page 22, line 26, by striking <b.> and inserting <a.>

26 14. Page 22, line 30, by striking <c.> and inserting <b.>

27 15. Page 23, by striking lines 1 through 9.

28 16. By renumbering as necessary.

PAUSTIAN of Scott